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From: Commander, Seventh Coast Guard District
To: Commanding Officer, Marine Safety Office Charleston
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Commanding Officer, Marine Safety Office San Juan
Commanding Officer, Marine Safety Office Savannah
Commanding Officer, Marine Safety Office Tampa

Subj: COASTWISE LOADLINE EXEMPTIONS

Ref: (a) Title 46 U.S. Code Part 5102
(b) Commandant (G-MMS-2) Letter M16000.0/Vol IV of 2 Oct 95
(c) Title 46 Code of Federal Regulations Part 42.03-5
(d) Commandant (G-MOC) Policy Letter #2-98 of 10 Feb 98
(e) Commandant (G-LMI) Letter of 11 Aug 97

1. Differences among Marine Safety Offices in the Seventh District regarding the issuance of loadline exemptions have underscored the need for consistency. The purpose of this policy letter is to highlight revisions to the statutory language governing loadline requirements, and to provide a uniform approach to evaluating requests for loadline exemptions.

2. Reference (a) requires vessels on domestic voyages that cross the boundary line to have a loadline. A domestic voyage is defined in reference (b) as the "movement of a vessel between places in, or subject to the jurisdiction of, the U.S." and includes "a voyage that originates and ends at the same U.S. port that takes the vessel beyond the boundary line." Vessels that operate solely inside the boundary line are exempt by law from having an assigned loadline.

3. Previously, 46 CFR 42.03-5(B)(v), (reference (c)), exempted vessels conducting round-trip domestic "coastwise" voyages, without visiting another port, from the requirement to have a loadline. These vessels often sailed from a U.S. port, past the boundary line, and returned to their original port without stopping at another U.S. port – the so called voyage-to-nowhere. That exemption was eliminated by revisions to the statutory language governing loadline requirements in reference (a). A conflict remains between the revised statute (reference (a)) and the present regulations (reference (c)) due to the regulations being based on repealed legislation. The revised statute, however takes precedence.

4. Reference (d) states that the current revised loadline statute does not allow for loadline exemptions for vessels sailing beyond the boundary line, except on a one-time, case-by-case

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basis. That policy letter is augmented by a G-LMI legal opinion in reference (e). That opinion was based on a case involving a barge making round trips from a U.S. port, outside the boundary line to an offshore dumping location. The summary of reference (e) was that a vessel that transits from a place inside the inland waters of the U.S. to an area outside the boundary line is not exempt from loadline requirements and should not be granted a permit to operate without a loadline. Until the regulations are revised to reflect the statutory change, the interpretation in reference (e) will stand as official Coast Guard policy regarding this issue.

5. It is the OCMIs responsibility to determine whether the one-time, case-by-case criteria are satisfied when considering whether or not to grant a loadline exemption. Loadline exemptions for one-time projects such as beach replenishment or breakwater maintenance may be appropriate. In each case, the OCMIs shall determine the seaworthiness of the subject vessel for the intended route and anticipated weather conditions. If granted, loadline exemptions shall be issued for a particular voyage of specified duration.

6. It is not uncommon for vessel operators to make recurring requests for loadline exemptions for a particular vessel involved in operational activities. Barges routinely used as platforms for offshore fireworks displays are a typical example. When an operator demonstrates a recurring pattern of requests for a vessel, OCMIs should attempt to determine if the vessel is engaged in "commerce beyond the boundary line." As a general rule, more than three (3) requests annually for a specific vessel to conduct operations outside the boundary line should be considered as conducting "commerce beyond the boundary line," and the vessel should be required to obtain a permanent loadline.

WILLIAM H. FELS
By direction

Encl: (1) Commandant (G-MOC) Policy Letter 2-98 of 10 Feb 98
(2) Commandant (G-LMI) Memo of 11 Aug 97